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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 PAUL DIXON LEWIS,

12 Plaintiff,

13 v.

14 KEN CLARK, *Warden at*
15 *Corcoran/CSATF, et al.,*

16 Defendants.
17

No. 1:20-cv-00120-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CASE

(Doc. No. 18)

18 Plaintiff Paul Dixon Lewis is a state prisoner proceeding *pro se* and *in forma pauperis* in
19 this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United
20 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On February 24, 2020, the assigned magistrate judge issued findings and
22 recommendations, recommending that the case be dismissed as barred under the favorable
23 termination rule of *Heck v. Humphrey*, 512 U.S. 477, 487 (1994). (Doc. No. 18.) The findings
24 and recommendations explained that if plaintiff wished to obtain an award of damages in a
25 § 1983 action for his allegedly illegal incarceration, he must first show that the underlying
26 criminal conviction has been invalidated. (*Id.* at 1.) The magistrate judge also provided plaintiff
27 with the alternative of filing a petition for habeas relief. (*Id.* at 2.) The findings and
28 recommendations were served on plaintiff and contained notice that any objections thereto were

1 to be filed within fourteen (14) days from the date of service of the order. On March 9, 2020,
2 plaintiff filed a response, requesting an evidentiary hearing and reiterating the claims raised in his
3 complaint but not otherwise disputing the conclusions set forth in the pending findings and
4 recommendations. (Doc. No. 19.)

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
6 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's
7 objections, the court finds the findings and recommendations to be supported by the record and
8 by proper analysis.

9 Accordingly:

- 10 1. The findings and recommendations issued on February 24, 2020 (Doc. No. 18), are
11 adopted in full;
- 12 2. This action is dismissed without prejudice as barred by the decision in *Heck*; and
- 13 3. The Clerk of the Court is directed to close this case.

14 IT IS SO ORDERED.

15 Dated: March 19, 2020

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UNITED STATES DISTRICT JUDGE